

Paper No. 620
Disposes of
Paper No. 613, in
respect to Paper No. 296

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. I

THE UNITED STATES OF AMERICA: et al) ORDER:
- vs -) GRANTING, IN PART, THE
ARAKI, Sadao; et al) APPLICATION OF THE PROS-
ECUTION TO AMEND THAT
CERTAIN ORDER OF THE TRI-
BUNAL NO. 296 DATED 16
JULY, 1946, WITH REGARD
TO THE PRODUCTION OF CER-
TAIN DEFENSE WITNESSES

This matter coming on to be heard on this 18th day of December, 1946, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution to amend that certain order of the Tribunal dated 16 July, 1946, and designated as Paper No. 296, wherein the Tribunal directed that summonses be issued for HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, as witnesses on behalf of the accused UMEZU, Yoshijiro, by recalling and revoking the said summonses so ordered to be issued for the proposed witnesses HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, and in lieu and stead thereof, granting to the said accused and his Counsel of record every facility and assistance to submit written interrogatories to, or otherwise interrogate, the said witnesses at the places where the said persons are now located and held; and after hearing the statements and arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That the said application for the recall and revocation of the summonses heretofore ordered to be issued for HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, as witnesses for and on behalf of the accused UMEZU, Yoshihiro, be denied; and it is further

ORDERED: That the said order of the Tribunal heretofore made, signed and entered on the 16th day of July, 1946, be amended by adding two new and additional paragraphs to said order, to read as follows:

"It is further ORDERED: That execution and service of the summonses for the proposed witnesses HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, be postponed, and that said summonses be held by the Secretary of the Tribunal, subject to further order and direction of the Tribunal; and it is further

"ORDERED: That pending further direction of the Tribunal relative to the service of said summonses for the proposed witnesses HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, every facility and assistance be provided to Counsel for the accused UMEZU, Yoshihiro, to submit written interrogatories to, or verbally interrogate, the said HATA, Hikosaburo, IIDA, Shojiro, and MATSUMURA, Tomokatsu, at the places where said persons are now located or held, and the accused is granted permission to file an application for the service of the summonses heretofore issued for the said witnesses, if the same be found necessary for the proper defense of the accused in this case, as the result of the aforesaid interrogations."

And it is further ORDERED: That in each and all other respects, the said order of the Tribunal of 16 July, 1946, shall be and remain as originally made, signed and entered, and in full force and effect.

Dated at Tokyo, Japan, this 23 December, 1946.

BY THE TRIBUNAL:

Signed: W. F. WEBB
PRESIDENT